



IFLA Statement on Government Provision of Public Legal Information in the Digital Age – ANNEXES

Annex 1: References and Supporting Documents

Universal Declaration of Human Rights, Article 19

<http://www.un.org/en/universal-declaration-human-rights/>

Article 19 states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

UN Convention on the Rights of Persons with Disabilities (2006)

<http://www.un.org/disabilities/convention/conventionfull.shtml>

Article 21 - Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

Access to Foreign Law in Civil and Commercial Matters

Joint Conference of the European Commission and Hague Conference on Private International Law, Access to Foreign Law in Civil and Commercial Matters, 15 Feb. 2012 (https://assets.hcch.net/upload/foreignlaw_concl_e.pdf).

Recommended that governments should “...make available without cost to users legislation and relevant case law online. Such information should be authoritative, up-to-date, and also include access to law previously in force.” Recommendation 8: “...States should make

available without cost to users legislation and relevant case law online. Such information should be authoritative, up-to-date, and also include access to law previously in force.”

Included as an Annex to the report above is a best practices document: *Guiding Principles to be Considered in Developing a Future Instrument*. These principles were developed during a 19-21 October 2008 meeting convened by the Hague Conference on Private International Law, a 72-member inter-governmental organization that develops multilateral legal instruments. Experts attending the session represented the library and information communities, educational institutions, legal information institutes (free access to law movement), legal community, and others. They discussed global co-operation for disseminating digital legal information. The Guiding Principles affirm principles of free access, integrity and authoritativeness, and preservation.

1. State Parties shall ensure that their legal materials, in particular legislation, court and administrative tribunal decisions and international agreements, are available for free access in an electronic form by any persons, including those in foreign jurisdictions.
2. State Parties are also encouraged to make available for free access relevant historical materials, including preparatory work and legislation that has been amended or repealed, as well as relevant explanatory materials.
4. State parties are encouraged to make available authoritative versions of their legal materials provided in electronic form.
5. State parties are encouraged to take all reasonable measures available to them to ensure that authoritative legal materials can be reproduced or re-used by other bodies with clear indications of their origins and integrity (authoritativeness).
7. State Parties are encouraged to ensure long-term preservation and accessibility of their legal materials referred to in paragraphs 1 and 2 above.

Open Government Declaration (2011)

The Open Government Declaration (<http://www.opengovpartnership.org/about/open-government-declaration>) is based on principles of open and transparent government in order to “foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government.” Countries participating in the Open Government Partnership affirm their commitment to increase the availability of information about governmental activities, to support civic participation, to implement the highest standards of professional integrity throughout our administrations, and to Increase access to new technologies for openness and accountability.

Declaration on Free Access to Law (Montreal Declaration)

The “free access to law” movement is the umbrella designation for a collection of legal information institutes (LIIs) throughout common law countries that have been organized to provide free and open online access to legal information, such as case law, statutes, and

regulations. In 2002, the LIIs met in Montreal and jointly issued a *Declaration on Free Access to Law*, which has subsequently been amended at meetings in Sydney (2003), Paris (2004), Montreal (2007) and Ithaca (2012). The declaration (<http://www.worldlii.org/worldlii/declaration/>) includes the following points:

- Public legal information from all countries and international institutions is part of the common heritage of humanity. Maximizing access to this information promotes justice and the rule of law;
- Public legal information is digital common property and should be accessible to all on a non-profit basis and free of charge;

The Memory of the World in the Digital Age (UNESCO/UBC Vancouver Declaration) (2012)

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/mow/unesco_ubc_vancouver_declaration_en.pdf

Participants agreed:

1) as enshrined in Article 19 of the Universal Declaration on Human Rights, each individual has the right to seek, receive and impart information through any media and regardless of frontiers (article 19). Citizens exercise this right when they access information in digital form. Trustworthiness and integrity of documentary heritage and documentary systems are therefore a prerequisite for the continued exercise of this right;

7) there is a pressing need to establish a roadmap proposing solutions, agreements and policies, that ensure long term access and trustworthy preservation. This roadmap should address issues like open government, open data, open access and electronic government. It should dovetail with national and international priorities and be in full agreement with human rights.

Recommendations to UNESCO secretariat:

f) support the belief that good management of trustworthy digital information is fundamental to sustainable development by developing and implementing a global digital roadmap under the auspices of the Memory of the World Programme to encourage all relevant stakeholders, in particular governments and the industry, to invest in trustworthy digital infrastructure and digital preservation;

Recommendations to UNESCO's Member States:

a) develop and enforce laws that ensure rights of all citizens to relevant knowledge;

b) develop public policies enabling and supporting preservation of digital heritage in a rapidly changing technological environment;

c) promote cooperation between their legislative bodies and archives, libraries and museums and other relevant organizations, in order to develop legal frameworks that support preservation of, and access to, digital cultural heritage;

d) develop strategies for open government and open data that address the need to create and maintain trust and reliance in digital government records;

e) provide legal guarantees that information to which citizens are legally entitled be available in an open format;

[...]

l) promote the use of standards and widely recognized guidelines and best practices on digitization and digital preservation among the relevant national organizations and communities.

Lyon Declaration on Access to Information and Development (2014)

IFLA's 2014 [Lyon Declaration](http://www.lyondeclaration.org/) (<http://www.lyondeclaration.org/>) states that “increasing access to information and knowledge across society, assisted by the availability of information and communications technologies (ICTs) supports sustainable development and improves people’s lives.” The more than 600 signatories to the Declaration call on the Member Nations to “acknowledge that access to information, and the skills to use it effectively, are required for sustainable development, including “Adopting policy, standards and legislation to ensure the continued funding, integrity, preservation and provision of information by governments, and access by people.”

UN General Assembly, Transforming our World: the 2030 Agenda for Sustainable Development

21 October 2015, A/RES/70/1.

The *UN 2030 Agenda* (<https://sustainabledevelopment.un.org/post2015/transformingourworld>) presents a plan of action on 17 new global sustainable development goals. Goal 16 sets out the intention to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” Sub-goal 16.10 addresses access to information as follows: “Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.”

Annex 2: Examples of Countries Currently Using Authentication Technology

- In the European Union, the e-Official Journal (e-OJ) is produced in electronic format, supported by technology that includes public key infrastructure and signature and verification platforms, as well as back-up procedure, in case the technology fails. Editions of the e-OJ published after July 2013 have legal force.

See: REICHERTS, Martine (2014) The authentic e-Official Journal of the European Union – one year on. Paper presented at: IFLA WLIC 2014 - Lyon - Libraries, Citizens, Societies: Confluence for Knowledge in Session 102 - Law Libraries with Government Information and Official Publications, Library and Research Services for Parliaments and Information Technology. In: IFLA WLIC 2014, 16-22 August 2014, Lyon, France. <http://library.ifla.org/id/eprint/924>

- France's electronic Journal Officiel, the official record of its legislation and regulations, is authenticated using an electronic signature based on key management infrastructure (IGC). Both the print and the electronic versions of the Journal Officiel have legal value and are released daily. Since mid-2014, the electronic version has been open access.

See: FRANÇOIS, Didier (2014) Authentication of the French Digital Official Journal. Paper presented at: IFLA WLIC 2014 - Lyon - Libraries, Citizens, Societies: Confluence for Knowledge in Session 102 - Law Libraries with Government Information and Official Publications, Library and Research Services for Parliaments and Information Technology. In: IFLA WLIC 2014, 16-22 August 2014, Lyon, France. <http://library.ifla.org/id/eprint/957>

- In the United States, the Government Publishing Office (GPO) currently provides no-fee online access to official, authenticated, preserved content from all three branches of the Federal Government through its portal [FDsys \(Federal Digital System\)](#). FDsys is scheduled to be replaced in 2017 with a new portal, [GovInfo.gov](#), which was launched as a beta website in Feb. 2016. GPO [authenticates documents on FDsys](#) by applying digital signatures to PDF files so users can verify documents have not been altered and are the official versions. GPO's [standards-compliant preservation repository](#) follows archival system standards and ensures content is preserved for future generations despite technical failure, aging of hardware, or technological change.